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**BY EMAIL ONLY**

Kirstin Keyes  
Scottish Government Energy Consents Unit,  
5 Atlantic Quay,  
150 Broomielaw,  
Glasgow, G2 8LU

32623/A5/ IH  
20 March 2023

Dear Ms Keyes,

**THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION OF CONSENT)  
(SCOTLAND) REGULATIONS 2013.**

**APPLICATION UNDER S36C OF THE ELECTRICITY ACT 1989 AND DIRECTION FOR DEEMED  
PLANNING PERMISSION UNDER SECTION 57(2ZA) OF THE TOWN AND COUNTRY  
PLANNING (SCOTLAND) ACT 1997 TO AMEND CONDITION 1 OF S36C CONSENT (REF:  
EC00003166) TO EXTEND THE OPERATIONAL LIFE OF MIDDLE MUIR WIND FARM, SOUTH  
LANARKSHIRE.**

This letter has been prepared by Barton Willmore, now Stantec on behalf of Banks Renewables (Middle Muir Wind Farm) Limited ('the applicant') and submitted to the Energy Consents Unit ('ECU') to request a further variation under Section 36C of the Electricity Act 1989 of the existing Section 36C Consent for Middle Muir Wind Farm ('hereafter referred to as 'Middle Muir') (ECU Ref: EC00003166).

This variation is being sought in order to extend the operational period of the wind farm from 25 years to 40 years ('the proposed development').

The remainder of this letter is structured into sections, as follows:

- The Site;
- The Existing Consents;
- The Proposed Variation;
- Reasons for Seeking the Variation;
- Legislative Policy Context;
- Pre-Application Engagement;
- Environmental Impact Assessment ('EIA') Screening;
- Technical Considerations;
- Material Considerations;
- Publication and Service of Notice of Application; and
- Conclusion.

*Appendices / Application Documents (Provided as individual files)*

- Appendix 1a – S36C Application Drawing – VA01 – Location Plan;
- Appendix 1b – S36C Application Drawing – VA02 – Consented Layout Plan;
- Appendix 2 – Copy of the Middle Muir 2016 S36C consent (ref: EC00003166) Decision Letter and Conditions;
- Appendix 3 – EIA Screening Request Letter to the ECU;
- Appendix 4 – EIA Screening Opinion from the ECU;
- Appendix 5 – Landscape and Visual ES Addendum Report;
- Appendix 6 – Public Notice Text; and
- Appendix 7 - Copy of the Middle Muir 2014 S36 consent (ref: EC00005219) Decision Letter.

### **The Site**

The site comprises Middle Muir Wind Farm, located c.4km to the south east of Douglas and c.2.5km north west of Crawfordjohn. The site takes in an area of approximately 693ha, which contains 15 turbines with a consented capacity of 60MW. The actual, installed capacity of the 15 turbines is 51MW.

Associated infrastructure includes onsite access tracks, one borrow pit, an anemometer mast, substation and a control building.

Please refer to Appendix 1 – S36C Application Drawings for a Location Plan (Drawing ref: VA01) and a Consented Layout Plan (Drawing ref: VA02).

### **The Existing Consents**

In November 2012, the applicant submitted a Section 36 Application to the Scottish Ministers for a proposed Wind Farm at Middle Muir. The application secured consent for the erection of 15 turbines and associated infrastructure (ECU ref: EC00005219) and the Scottish Ministers granted consent on 26 September 2014, under Section 36 of the 1989 Act, together with a direction under section 57(2) of the Town and Country Planning (Scotland) Act 1997. This consent was accompanied by 45 conditions.

A subsequent application (ECU ref: EC00003166) was made to the ECU on 31 August 2015, under Section 36C of the 1989 Act, to vary 3 conditions associated with the original consent. This application was granted consent on 22 March 2016.

This variation sought the following changes:

- To allow for an increase in the consented rotor diameters from 104m, to a range of rotor diameters of between 100m and 117m, with the same overall tip height as the original consent – which allows for turbines numbered 1 to 7 a total tip height of 152m and the remaining eight turbines a tip height of 136m;
- To increase the height of the consented anemometer mast from 80m to 100m; and
- To replace conditions 12, 13 and 14 of the planning conditions with a revised set of noise conditions.

The decision notice for this S36C application applied an additional 3 conditions to the 2014 consent to those sought to be amended.

The decision notice for the 2016 S36C consent is provided as Appendix 2 – Decision Notice of 2016 S36C Application.

## The Proposed Variation

The applicant is seeking to amend the Section 36C Consent with the following effect:

- Extend the operational period of Middle Muir from 25 years to 40 years.

The only change proposed is this extension to the operational life of Middle Muir by 15 years, through amendment of Condition 1 of the 2016 Section 36 Consent. It should be noted, for the avoidance of doubt, that no changes are proposed to the site boundary, the capacity or height of the turbines, the physical configuration of the wind farm or to any conditions which control the manner of operation of Middle Muir.

The final commissioning date for Middle Muir was 21 December 2018. This means that the operational life of the Wind Farm is currently consented until 21 December 2043.

The proposed variation of Condition 1 attached to the Section 36 Consent is set out below. The changes proposed are shown in red, in the context of the existing condition 1. No additional changes are being sought in respect of condition 1, or any other condition within the Section 36C Consent.

### Condition 1, as consented, states:

*"1. The consent is for a period from the date of this consent until the date occurring 25 years after the date of the final Commissioning of the Development. Written confirmation of the date of final Commissioning of the Development shall be provided to the Planning Authority and to the Scottish Ministers no later than 1 calendar month after that event.*

*Reason: To define the duration of the consent."*

### The proposed variation sought is:

*"1. The consent is for a period from the date of this consent until the date occurring ~~25~~ 40 years after the date of the final Commissioning of the Development. Written confirmation of the date of final Commissioning of the Development shall be provided to the Planning Authority and to the Scottish Ministers no later than 1 calendar month after that event.*

*Reason: To define the duration of the consent."*

## Reasons for Seeking the Variation

The need for renewable energy, including energy generation from wind farms, is well documented. The United Kingdom signed the Kyoto Protocol in 1997, along with 180 other countries, which committed the UK to significantly reducing greenhouse gas emissions going forward. Since this point, a range of documents have been produced both by the UK Government and the Scottish Government in respect of renewable energy generation.

Under the Climate Change (Emissions Reduction Targets) (Scotland) (Act) 2019, Scotland committed to more ambitious carbon reduction targets with a commitment to achieve net zero greenhouse gas emissions by 2045 at the latest, in the context of the climate emergency.

The Scottish Government's Onshore Wind Policy Statement 2022 sets the target for Scotland to achieve a total of 20.4GW of installed onshore wind capacity by 2030 – an increase of 12GW on the current onshore wind capacity. The Ministerial Foreword of the Onshore Wind Policy Statement states that, "*Scotland has been a frontrunner in onshore wind and, while other renewable technologies are starting to reach commercial maturity, continued deployment of onshore wind will be key to ensuring our 2030 targets are met*", while paragraphs 2.1.1 and 2.1.2 state that "*The Scottish Government is committed to achieving our climate change targets in a way that maximises the economic and social benefits of a just transition to a net-zero economy. We need a collaborative approach across*

*government, industry, community representatives and other stakeholders that will deliver on our onshore wind ambition”.*

Therefore, it is clear the importance that the Scottish Government put towards energy generation from wind farms in making a vital contribution towards hitting the Scottish Government’s Renewable Energy Targets.

Middle Muir has been in operation since December 2018 and is a successful, operational wind farm that is already contributing towards Scotland’s net zero ambitions / timescales through the supply of renewable energy for Scotland, helping to tackle the existing climate emergency. The extension of the operational life for Middle Muir will ensure that it can contribute towards the provision of renewable energy for Scotland for at least a further 15 years, until December 2058.

Previous generations of wind farms typically had time limits applied to their consents due to their shorter life spans. However, the new generation of wind turbines such as Middle Muir are being shown as are capable of moving significantly beyond the 25-year timespans for generation.

Extending its permitted operational period will also allow it to maximise the amount of benefits that it provides to both the country and local community for a longer period of time. Middle Muir is capable of providing power equivalent to the needs of approximately 31,600 homes. The total investment spend over the lifetime of Middle Muir is projected to be in the region of £70.5 million, a proportion of this filtering down to the local community through employment opportunities.

Middle Muir also currently provides annual financial community contributions to be used for local projects and improvements. The proposed lifetime extension for Middle Muir would lead to the contribution of an additional £3,825,000 to this community fund.

There are also distinct benefits of securing continued renewable energy generation through the continuation of existing, established sites rather than it being through new proposals elsewhere. The benefits and effects of established wind farms are already understood and accepted by local communities. Maximising the potential of our existing wind farms, through extensions to their operational lifetimes, is also a far more sustainable approach in terms of carbon balance than if only replacing renewable energy generation by seeking more new facilities elsewhere.

Since the commissioning of Middle Muir at the end of 2018, the wind farm has already achieved its carbon payback of what was required to cover its construction. Therefore, Middle Muir is already carbon neutral and all the renewable energy generation (and replacement of fossil fuel generation impact) is a net benefit. The extended operation of 15 years means a significant further period of benefit from this carbon neutral asset.

## **Legislative and Policy Context**

### The Electricity Act 1989

Scottish Ministers are required to assess all wind energy developments of an electricity generating capacity of greater than 50MW, or which otherwise qualify, for determination under Section 36 of the Electricity Act 1989. Scottish Ministers are able to vary a Section 36 consent under Section 36C of the 1989 Act.

On receiving a S36C variation application the Scottish Ministers may make variations to the consent through having regard to the applicant’s reasons for seeking the variation, the variations proposed and any objections made to the proposed variations, any advice from consultees and the outcome of any public inquiry.

The Guidance Note: Applications for Variation of Section 36 Consents was published in May 2019 and provides guidance on the process for varying consents which have been granted by the Scottish

Ministers under section 36 of the Electricity Act 1989 for the construction or extension, and operation, of electricity generating stations.

### The Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013

These Regulations came into force on 1 December 2013 and set out information on what is required in terms of the content of variation applications, publicity and notice requirements and other procedural aspects for S36C variation applications.

These regulations were amended by regulation 42 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (as amended). The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 were amended in December 2017 (by The Electricity Works (Environmental Impact Assessment) (Scotland) Amendment Regulations 2017).

### The COP21 Paris Agreement

The Paris Agreement is an international agreement that the UK signed up to as part of the 2015 UN Framework Convention on Climate Change. It came into force on 4 November 2016. This looked to put in place an international agreement on key approaches to tackling climate change and supporting the transition to a clean economy and low carbon energy security.

The Paris Agreement set the goal of limiting the global average temperature increase to 1.5 degrees Celsius and to set out ways in which each country will reduce emissions.

### The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 ('2019 Climate Change Act')

The 2019 Climate Change Act was passed by Scottish Parliament in September 2019 and commits Scotland to achieving net zero greenhouse gas emissions by 2045 at the latest, and also sets two interim targets to reduce emissions by 75% by 2030 and by 90% by 2040.

It updated the Climate Change (Scotland) Act 2009 through the setting of an up-to-date, ambitious target to achieve net zero by 2045. This would be five years sooner than other parts of the UK.

### Onshore Wind Policy Statement 2022

This updated Onshore Wind Policy Statement for Scotland was published in December 2022 and sets the aims and ambitions for the contributions of Scotland's wind energy sector towards achieving net zero. It sets an overall ambition to achieve 20.4GW of installed onshore wind capacity in Scotland by 2030.

Paragraph 5.1.2 of this Statement stresses that, "*The socio-economic benefits of the onshore wind sector in Scotland are widespread, from investment and innovation to skills development and jobs. The latest statistics from the UK Government show that onshore wind in the UK generated £2.4 billion in turnover in 2020 alone.*"

Section 5.4 emphasises the importance in achieving a circular economy for onshore wind facilities and equipment, with reference to recycling and refurbishing turbines. Clearly, maximising the full use of existing, installed equipment for as long as can be effectively achievable would be an even more preferable position.

## **Pre-Application Engagement**

As part of the pre-application process, discussion and consultation on the nature of the proposed development and the content of this variation application was undertaken with South Lanarkshire Council ('SLC') and the ECU.

This has helped to inform the scope of this S36C application and the associated documentation provided as part of the variation application.

### **EIA Screening**

The proposed development required to be screened by Scottish Ministers, in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ('the 2017 EIA Regulations') issued in May 2017 – as amended by the Electricity Works (Environmental Impact Assessment) (Scotland) Amendment Regulations 2017 as issued in December 2017.

A letter containing a request for a Screening Opinion was issued to the ECU on behalf of the applicant on 21 December 2021, to establish whether the proposed development would constitute an EIA development (refer to [Appendix 3](#)).

The ECU provided the applicant with a Screening Opinion on behalf of Scottish Ministers on 30 March 2022 (refer to [Appendix 4](#)). This confirms that the proposed development would not constitute EIA development and that any application submitted for the proposed development does not need to be accompanied by a full EIA report.

Further detail on technical considerations are included below.

### **Technical Considerations**

The following section summarises the predicted effects occurring as a result of the proposed development. Consideration is given to each of the topic areas contained within the Environmental Statement accompanying the original application for Middle Muir (ECU Ref: EC00005219) and for the subsequent 2016 S36C consent.

#### ***Ecology***

MacArthur Green has undertaken an up-to-date review of the potential effects of the proposed variation on ecology and ornithology to determine whether the proposed variation has altered the conclusions of the original Environmental Statement ('ES') and subsequent variations.

#### **Ornithology**

No significant residual effects on birds were anticipated in the original ES, SEI, SEI2, and the ES submitted on 31 August 2015. Although no mitigation was required for non-significant effects, a Habitat Management Plan ('HMP') was developed for the development prior to construction as an enhancement and included carrying out ongoing monitoring of breeding waders and black grouse with an aim to enhance breeding and foraging habitat for these species at the site.

The results from monitoring so far show that there continues to be a small but steady increase in the number of curlew and lapwing territories recorded since the pre-construction surveys in 2016 through to the post-construction surveys in 2021.

The number of oystercatcher territories has remained relatively stable and the number of snipe territories have shown a slight increase in 2021 over the previous year. Surveys in 2018 and 2019 suggested that the population of black grouse comprised a single male; the species was not recorded during monitoring surveys in 2020 or 2021.

Short-eared owl were recorded breeding in the study area in 2017, 2018 and 2020. No breeding evidence of other raptors has been identified although red kite, hen harrier, peregrine falcon, merlin and marsh harrier have been recorded passing through the study area. Greylag geese were recorded breeding in the study area in 2019, 2020 and 2021. Overall, the populations of target bird species,

with the possible exception of black grouse, within the study area do not appear to have been negatively impacted by the construction and operation of Middle Muir.

Due to the scope of the variation (i.e. time extension only) and the evidence from ongoing monitoring on site which shows the HMP is achieving its aims, it is considered that the proposed variation will not cause any further adverse impacts or effects than those already identified and assessed in the earlier assessments, and therefore no significant effects on ornithology are predicted. A life extension to Middle Muir of 15 years will allow an extension to the HMP which would continue to deliver ecological benefit.

### Ecology

With standard mitigation in place, no significant residual effects on protected species were anticipated in the original ES, SEI, SEI2, and the ES submitted on 31 August 2015. The scope of this variation would not be expected to change any of the impacts or effects identified previously for protected species. Although no significant effects were determined for habitats, and therefore no mitigation was required, the HMP prepared for the site to deliver enhancement was expected to have a positive significant effect on blanket bog habitat.

The HMP is currently in its fourth year of implementation at the site to enhance bog and heath habitats, including habitat connectivity improvements. As the vegetation monitoring is in the early years of establishment any notable changes in habitat composition will not become apparent until further data has been collected in the coming years.

The HMP will continue to run for the lifetime of the wind farm, until the decommissioning and restoration plan has been implemented in full, to the satisfaction of the Planning Authority. The proposed variation would include an additional 15 years to the original 25 years of operation and, therefore, a greater time to make a positive impact on habitats on site through regular monitoring and management.

### Summary and Conclusions

The conclusion of the original ES and variations in relation to ecological and ornithological receptors remain valid; the proposed variation of increasing the life of the wind farm from 2043 to 2058 would not result in any further impacts or effects than those already identified.

No negative significant effects are expected. A positive significant effect is anticipated for blanket bog habitat through the implementation of the HMP. It would be expected that the longer duration of active management and monitoring through delivery of the HMP would allow for a greater benefit to habitats and associated biodiversity.

### ***Landscape & Visual Impact***

In order to set out the applicant's assessment on if the proposed development will have any impact on the landscape and visual baseline of the area a Landscape and Visual ES Addendum has been provided as Appendix 5. Please refer to this for full information and images.

In summary, the Addendum contains a recent Landscape and Visual Impact Assessment (LVIA) which reviews the existing landscape baseline, based on the eight representative viewpoints used in the supporting information for the 2016 S36C consent, and considers the likely future baseline for the years 2043 to 2058 based on the information currently available. An assessment is then made as to whether any of the possible future changes to the landscape and visual baseline may affect the suitability of a 15 year extension of the existing wind farm.

Site visits were carried out in February and March 2023 to review the existing baseline and identify changes since the original applications and addendums were submitted in 2012 and 2015. The main changes to the existing baseline within the 15km Study Area include the following:

- Construction of Andershaw Wind Farm, comprising 11 wind turbines immediately adjacent to Middle Muir Wind Farm;
- Construction of Kennoxhead Wind Farm, comprising 19 wind turbines to the west of Middle Muir Wind Farm;
- Construction of new wind farms and extensions around Hagshaw Hill Wind Farm, including Galawhistle, Douglas West and Nutberry Wind Farms to the north-west of Middle Muir Wind Farm;
- Changes associated with areas of commercial forestry, where trees are felled, restocked and mature;
- Planting of new blocks of coniferous forest to the south of the B7078 and north-east of Middle Muir Wind Farm;
- Restoration of Glentaggart Opencast Mine and implementation of Woodland Project, planting native pioneer species, to the south of Glespin;
- Construction of a new residential property at Crawfordjohn; and
- General growth, removal and planting of existing vegetation.

Views from Tinto Hill and Cairn Table represent views from prominent and popular hilltops that provide 360 degree elevated views of the landscape. These viewpoints have been the most affected by the introduction of new wind farms into the study area and by changes in commercial forestry patterns. However, Middle Muir Wind Farm forms a relatively small feature within these panoramic views and is located on the lower lying moorlands between the Douglas Water and Duneaton Water. With respect to the view from Cairn Table, the Kennoxhead Wind Farm introduces large wind turbines into the foreground of the view, further reducing the prominence of Middle Muir Wind Farm.

The 2012 ES identified significances of impact, with no changes identified as a result of the proposed changes to the physical appearance of the wind farm as assessed in the 2015 ES Addendum. The significant landscape effects were noted on the Rolling Moorland, Upland River Valley and Foothills Local LCAs. The proposed time period extension would not result in any additional landscape effects.

The 2012 ES assessed the likely effects on the visual amenity of a wide range of receptors, including settlements, residents, users of footpaths, cycleways and roads. The 2012 ES was based on 21 representative viewpoints. The 2015 ES Addendum assessment was based on 7 of these representative viewpoints, as agreed with the South Lanarkshire Council, with an additional viewpoint included from Auchensaugh Cairn for cultural heritage purposes.

Significant visual effects were likely to be experienced from four of the representative viewpoints, from: Crawfordjohn; Glespin; Red Moss; and Duneaton. The resulting impacts were found to be acceptable through the determination process of the 2016 S36C variation consent. The proposed time period extension would not result in any additional visual effects.

Overall, the recent review of the baseline environment and assessment of effects on landscape character and visual amenity of the Middle Muir Wind Farm indicates that the proposed extension to its operational period would not result in any effects that have not already been assessed and taken into account in the determination of the original consent and amendment.

### ***Archaeology & Cultural Heritage***

The impact of Middle Muir on cultural heritage was considered through the 2015 ES. This found "*the development when operational will have a temporary impact upon the setting of undesignated assets of low value*" (page 235). That impact was found in the planning balance to be acceptable, as per the determination and approval of the 2016 S36C variation consent. The extension of the operational



life of the wind farm will not result in any additional cultural heritage impacts beyond those already assessed.

### ***Noise***

The proposed development will continue the operation of Middle Muir, and therefore the existing level of noise generation will continue beyond the current consented time frame. The extension of the operational life of the wind farm will not result in any additional noise impacts to those for which mitigation measures are already in place. The noise conditions attached to the existing consent will remain in place, ensuring the continued protection of residential amenity for nearby residents.

### ***Hydrology and Hydrogeology***

The proposed development is for a variation to the lifetime of Middle Muir. There would be no further implications on Hydrology and Hydrogeology as a result of extending the operational lifespan of the wind farm.

### ***Geology & Ground Conditions***

Middle Muir is already in operation, and therefore no further effects are anticipated on geology and ground conditions as a result of the proposed development.

### ***Traffic & Transport***

There will not be any significant additional regular traffic movements as a result of the proposed development. As was detailed within the 2012 ES, where any replacement components are required, transport arrangements for abnormal loads and the associated mitigation would be agreed with local authorities in advance. It is therefore considered the proposed development would not lead to any additional adverse impacts in terms of traffic and transport, beyond those for which mitigation is already in place.

### ***Eskdalemuir***

As Middle Muir is already in operation, there will be no further impacts to the Seismological Recording Station beyond those which were found to be acceptable through the determination of the original application and the S36C variation consent.

### ***Peat Stability***

Middle Muir is already in operation, and therefore there will be no further impacts on peat stability, beyond those which were found to be acceptable through the determination of the original application and the S36C variation consent.

### ***Utilities and Telecommunications***

Middle Muir is already in operation, and therefore there are no further effects anticipated on utilities and telecommunications, beyond those which were already assessed and found to be acceptable through the determination of the original application and the S36C variation consent.

### ***Aviation***

Middle Muir is already in operation and an increase to its operational life will not have any new or adverse effect on the operation of aviation equipment or planes.

### ***Carbon Balance***

Middle Muir has already achieved carbon neutrality in terms of the carbon impact of its construction. The proposed development will ultimately improve on the carbon balance considerations set out in

the original ES through the extended period of operation of the same, established equipment and infrastructure that is already in place.

### ***Land Use, Socio-Economics and Recreation***

The continued operation of Middle Muir will maximise the efficient use of land by getting the most socio-economic and renewable energy benefits out of the existing wind farm infrastructure. The benefits set out in the previous consents – including contributions to the Council’s Renewable Energy Fund, the Connect2Renewables Initiative and local jobs and training initiative – will remain unchanged by the current variation application. The extension to the operational period of Middle Muir will also extend the number of years of the current annual community contribution payments, resulting in an additional £3,825,000 of funds to be used by the local community for improvement projects.

### ***Other Effects***

There are no other effects, including those previously assessed (public safety, site security, ice throw or shadow flicker), which would be impacted as a result of the proposed development.

### **Material Considerations**

In order to set out additional context for the determination of this variation application, this section sets out a short summary of the current planning policy context. The legal approach to determining a proposed development of the type at Middle Muir is via the Electricity Act 1989 (as a S36C variation application).

Although the Town and Country Planning Act (Scotland) 1997 (as amended) is not the determining legislative framework, it is relevant in terms of directions under Section 57(2ZA) to give deemed planning permission for S36 variation decisions. The wider planning context and the Development Plan for a site is, however, a material consideration.

The Development Plan for the site comprises National Planning Framework 4 (‘NPF4’) adopted 13 February 2023 and the South Lanarkshire Local Development Plan 2 (‘LDP2’), adopted 9 April 2021.

#### National Planning Framework 4

When adopted in February 2023, NPF4 became part of the statutory Development Plan and replaced the previous National Planning Framework 3 and Scottish Planning Policy (‘SPP’). The stated purpose of NPF4 is to guide spatial development in Scotland by setting out national planning policies, designating national developments and highlight regional spatial priorities.

In setting a National Spatial Strategy for Scotland (page 3), NPF4 has a strong focus on tackling the global climate emergency by reducing greenhouse gas emissions and adapting to future impacts of climate change. A Spatial Principal includes the need to ensure that the transition to net zero is fair and inclusive.

NPF4 also includes Strategic Renewable Electricity Generation and Transmission Infrastructure as a National Development. It states that “*Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience*” (page 103).

Policy 11 – Energy states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. This part of the policy specifically includes reference to “*wind farms including repowering, extending, expanding and extending the life of existing wind farms*” (emphasis added, page 53).



## Conclusion

Previous generations of wind farms typically had time limits applied to their consents due to their shorter life spans. However, the new generation of wind turbines such as Middle Muir are being shown as are capable of moving significantly beyond the 25-year timespans for generation.

NPF4 (Policy 11 – Energy) gives clear support for development proposals for all forms of renewable, low-carbon and zero emissions technologies, with specific mention of support for extending the life of existing wind farms. This policy also emphasises that “*Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity*”.

The acceptability of renewable energy generation through a wind farm at Middle Muir has already been established and with an understanding that this use can be suitable for perpetuity.

Overall, the proposed development is considered to be compliant with all relevant energy policies and in the context of planning policy. The extension of the operational life for Middle Muir, as currently set by consent EC00003166, would enable it to continue generating renewable energy for many more years to come to the benefit of both the local community and the country as a whole.

In light of the information set out in this letter and the supporting documents for the Middle Muir variation application, the applicant respectfully requests that Scottish Ministers grant the proposed variations to the existing Section 36C Consent (ECU ref: EC00003166) and allow the permitted operation of Middle Muir Wind Farm for a further 15 years from its current expiry. This will extend its contribution to meeting and maintaining Scotland’s commitment to achieving net zero greenhouse gas emissions.

Yours sincerely



**IAIN HYND**

Planning Associate

Enc.

**Appendix 1**  
**S36C Application Drawings**

TOWN PLANNING  
MASTERPLANNING & URBAN DESIGN  
ARCHITECTURE  
LANDSCAPE PLANNING & DESIGN  
SUSTAINABLE VALUE

INFRASTRUCTURE & ENVIRONMENTAL PLANNING  
HERITAGE  
GRAPHIC COMMUNICATION  
COMMUNICATIONS & ENGAGEMENT  
DEVELOPMENT ECONOMICS

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**Appendix 2**  
**Decision Notice of 2016 S36C Application**

TOWN PLANNING  
MASTERPLANNING & URBAN DESIGN  
ARCHITECTURE  
LANDSCAPE PLANNING & DESIGN  
SUSTAINABLE VALUE

INFRASTRUCTURE & ENVIRONMENTAL PLANNING  
HERITAGE  
GRAPHIC COMMUNICATION  
COMMUNICATIONS & ENGAGEMENT  
DEVELOPMENT ECONOMICS

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**Appendix 3**  
**EIA Screening Request Letter to the ECU**

TOWN PLANNING  
MASTERPLANNING & URBAN DESIGN  
ARCHITECTURE  
LANDSCAPE PLANNING & DESIGN  
SUSTAINABLE VALUE

INFRASTRUCTURE & ENVIRONMENTAL PLANNING  
HERITAGE  
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**Appendix 4**  
**EIA Screening Opinion from ECU**

TOWN PLANNING  
MASTERPLANNING & URBAN DESIGN  
ARCHITECTURE  
LANDSCAPE PLANNING & DESIGN  
SUSTAINABLE VALUE

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**Appendix 5**  
**Landscape and Visual ES Addendum**

TOWN PLANNING  
MASTERPLANNING & URBAN DESIGN  
ARCHITECTURE  
LANDSCAPE PLANNING & DESIGN  
SUSTAINABLE VALUE

INFRASTRUCTURE & ENVIRONMENTAL PLANNING  
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DEVELOPMENT ECONOMICS

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**Appendix 6**  
**Public Notice Text**

TOWN PLANNING  
MASTERPLANNING & URBAN DESIGN  
ARCHITECTURE  
LANDSCAPE PLANNING & DESIGN  
SUSTAINABLE VALUE

INFRASTRUCTURE & ENVIRONMENTAL PLANNING  
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DEVELOPMENT ECONOMICS

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**Appendix 7**  
**Decision Notice of Original 2014 S36 Application**

TOWN PLANNING  
MASTERPLANNING & URBAN DESIGN  
ARCHITECTURE  
LANDSCAPE PLANNING & DESIGN  
SUSTAINABLE VALUE

INFRASTRUCTURE & ENVIRONMENTAL PLANNING  
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GRAPHIC COMMUNICATION  
COMMUNICATIONS & ENGAGEMENT  
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